

COMMISSIONERS' MINUTES – DAVIS COUNTY

COMMISSION MEETING MINUTES

February 28, 2023

The Board of Davis County Commissioners met for their regularly scheduled meeting at 10:00 a.m. on February 28, 2023, in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Required legal notice of this meeting was given.

Present on the dais were: Commissioner Lorene Miner Kamalu, Chair; Commissioner Bob J Stevenson, Vice-Chair; Commissioner Randy B. Elliott. Also present: Brian McKenzie, Davis County Clerk; Curtis Koch, Davis County Auditor; and Neal Geddes, Chief Civil Deputy County Attorney.

All documents from this meeting are on file in the Davis County Clerk's Office. The agenda for this meeting is incorporated into the minutes as item headers.

OPENING

The meeting convened at 10:02 a.m., and Commissioner Kamalu led the Pledge of Allegiance.

Recognitions, Presentations & Informational Items

Recognition of the students at Clearfield High School for their generous donation of \$83,000 to the Davis County Children's Justice Center — Presented by Commissioner Lorene Kamalu

Commissioner Kamalu noted that several high schools in Davis County have annual service efforts to rally the students to raise funds for organizations that serve vulnerable people in our community. This school year, Clearfield High's students donated \$82,034.35 to Davis County's Children's Justice Center. Four Clearfield High student Service Officers were invited to the Commission Meeting to represent the school and discuss how they raised the funds. Commissioner Kamalu said Davis County is privileged to have service-minded young people who do incredible things.

Eva Butler, Student Body Officer over service, met with Commissioner Kamalu in June of 2022 to learn about human services organizations in Davis County. After touring the facilities and asking questions, the students decided to raise funds for the Children's Justice Center.

Eva Butler said Clearfield High's "Falcons are Fabulous" (FAF) winter fundraiser does not have one primary source of money but raises funds with thousands of little activities in which every penny counts. The students started researching charities in the summer because the fundraiser takes many hours of work and dedication, and they wanted to choose a place that benefits the community in a special way. The Service Officers do a lot of planning, and then put those plans into action for 10 days of fundraising in December.

"There's no words to describe how amazing it is to see a high school, with children and adults, just come together and raise money for something that could benefit people that they might even not know," Eva said, acknowledging that there could be students in the school community who benefit from the Children's Justice Center.

The check revealed at the final assembly showed the highest amount Clearfield High had ever raised.

"Everyone's clapping, some people are crying – including us," Eva remembered, adding, "It's something that I think will forever be a part of us, and we'll know that we could do this as a community. We have the power to make a difference, and it is just such an amazing opportunity."

Alissa Austad, Senior Service Officer, said the goal was to raise \$47,000-\$48,000. One of the fundraisers was "Penny Wars," which inspired seniors to bring buckets of pennies to fill a wheelbarrow and officers had to go on bank runs to count the pennies. She remembered the totals rising as the money was counted at the final assembly, going from about \$60,000 up to almost \$78,000.

"I can't believe we raised \$18,000 in just one assembly," Austad said. "It was just so cool seeing all the students come together, and really the community worked together to raise money for something that could affect kids in our own school that we don't even know – it can affect anyone, and the Children's Justice Center helps kids that are in need."

Cole Flinders, Junior Service Officer, said watching the community and school come together to raise so much money for something that they know is going to do so much good touches your heart.

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"It's the best feeling in the entire world. It will forever go down, in my mind, as one of the best things that I've ever been a part of," he said.

The students do a lot of fun activities for the Falcons are Fabulous fundraiser. High schoolers put in their paychecks, and they save tips and coins for the entire year to donate during FAF.

"It shows what we are capable of, and how much we can help other people, and how much they care about our community and the kids in our community," Cole said. "Of course they love the fun activities, but we also know even without those activities they would raise this money just to help those in our community."

Brinley Twitchell, Sophomore Service Officer, said it was a cool experience to see high school students come together for this one cause and raise all this money. Even though the high school had some business funds, she said, it was a small amount compared to what the students brought in.

"Even if we raised like \$20,000, I would have been so happy because it's going to such a good cause," Brinley said. "It's just so cool just to see the impact and how it will affect the Children's Justice Center from here on out."

Julie Stevenson, Interim Executive Director of the Children's Justice Center, said the funds raised will help provide counseling and therapy for children. Davis County is very supportive of the CJC, but fundraising is also necessary because it costs money to help kids, and there are about 100 more kids that need help every year. Julie said she has been working in this field for 20 years, and has never seen such an amazing thing or worked with such amazing kids and families. She attended the final Falcons are Fabulous assembly and watched as thousands of dollars were raised in four hours in one of the County's lower-income ZIP codes.

"I was so impressed with the community, and it will just make a huge difference," she said.

Commissioner Kamalu said the Children's Justice Center serves minors who have experienced trauma and or abuse, and there's a lot more of that in Davis County than people realize. The numbers are sobering. She thanked Clearfield High for the donation, and said it will go a long way to help children and their caregivers.

RFP Register
for Ground
Maintenance

Request For Proposal Register Report for Ground Maintenance — Presented by Auditor Curtis Koch

The Auditor read the following register of companies that submitted proposals for the County's grounds maintenance service contract:

- | | |
|---|---|
| • BrightView Landscape Service, Inc. | • Sierra Vista Landscape |
| • Huskie's Landscaping, Inc. | • TerraWorks Construction and Landscaping |
| • One Source Property Maintenance, LLC | • TruCo Services |
| • Scandia Company and Rubicon Contractors | • Worx, Inc. |

The proposals have been received and will be turned over to the department to work through a selection process. The companies were thanked for submitting bids, recognizing that it costs time and money to put proposals together. Proposals are taken seriously and, in a couple of weeks, Commissioners will be presented with the best recommendation for the County's needs at this time.

PUBLIC
COMMENTS

Members of the public were invited to make comments to the Commission.

Amy Mata of Salt Lake City, with Bailing out Benji [a nonprofit organization that educates about puppy mills], encouraged the Commission to pass the "Sale of Animals" ordinance, which Davis County's Animal Care Director has brought to the Commission. Ms. Mata spoke about the many health issues that puppies from pet stores can have, including orthopedic problems, hepatic disease, cardiac disease, ocular disorders, umbilical hernias, blood disorders, endocrine disorders, allergies, intestinal parasites, respiratory issues, infectious diseases, ear problems, and skin disorders. She also commented that puppies purchased at a very high price from pet stores can have congenital defects such as seizures and other neurological issues, skeletal disorders, hernias, heart murmurs, cherry eye, cataracts, blindness, and deafness. Puppies can have behavior issues, which Ms. Mata said were noted in a scientific journal, including fearful hiding, shaking, and running away; aggressive tendencies like biting or snapping; and abnormal behavior such as walking in circles repeatedly and eating feces. These problems lead the buyer of the puppies to spend money at vets

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and trainers, to fix their puppies, on top of paying thousands of dollars for their puppy. They are very likely to have to spend thousands of dollars for the life of this puppy, which they wouldn't normally have to. She again encouraged Commissioners to consider passing the Sale of Animals ordinance.

PUBLIC
HEARING

CED

1. Public Hearing to receive comments related to a proposed agriculture protection area — Presented by Jeff Oyler, Planning Manager with Community and Economic Development

Jeff Oyler explained that agricultural protection is outlined in state law, and landowners can apply for this protection status. It essentially gives farmers and landowners protection against nuisance lawsuits, and things of that nature, for their farming practices. For example, neighbors in subdivisions around these active farms can't sue the farmer for dust and smells, and fertilizers and sprays used on the farms. It also gives them protection against condemnation. If the Utah Department of Transportation (UDOT) wants to condemn property for a highway, they have to look at other reasonable alternatives before condemning farm property under protection. It's not a permanent protection. Farmers can petition the Commission to take their property out of protection anytime they want. There is a process for filing an agricultural protection area application. The applications go to the Davis County Agriculture Advisory Board, which makes recommendations to the Commission. The Planning Commission makes a recommendation to the Davis County Commission for a final determination. Applications are analyzed to make sure property is zoned for agriculture, that it is currently being used for agriculture production, and to ascertain the extent of improvements on the property. The process includes visiting the property and talking with the landowners to ensure that they are actually producing something with that land.

The item to be considered in this meeting is for four different parcels of property totaling 25.87 acres. Jeff Oyler reported that the Ag Advisory Board and the Planning Commission both sent positive recommendations. The County is required to hold a Public Hearing for Commissioners to hear and take into consideration public comment. Notice was sent to all of the surrounding property owners inviting them to give oral comment at the meeting or make a written comment. No written comments were received about this currently proposed area.

2. Opening

Com. Elliott moved to open a public hearing. Com. Stevenson seconded. All present voted aye.

3. Public Comments

John Percival of Hooper, one of the agricultural protection area applicants, commented that they started this process because they feel like the County's throwing them "under the bus" by wanting Davis County property incorporated into the cities. Mr. Percival said he raises cows, which make a little bit of a stink, especially in winter weather. The protection is for property owners to cover themselves so they can keep doing what they've been doing, because eventually they're going to be annexed into the cities. Percival said it was made known in the city meeting that the County wants to get rid of the County property. "We have to, you know, somehow kind of protect ourselves, and it is against nuisance lawsuits," Percival said.

Commissioner Kamalu commented that Commissioners are very much in favor of agricultural protection.

Commissioner Elliott added that he was appointed by the Governor to the McAllister Board [for critical land conservation], and he knows what agricultural land owners are up against when it comes to pressure from neighbors who want to develop — it's what is being felt in the County. Commissioner Elliott said he grew up farming. Feeling pushed in Farmington, his family went to Idaho and just kept a little [land] here. He still has cows, and it's a constant worry.

4. Closing

Com. Elliott moved to close the public hearing. Com. Stevenson seconded. All present voted aye.

PUBLIC
HEARING
ACTION ITEM

CED

1. Resolution to approve applications for the establishment of an agricultural protection area — Presented

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#2023-112

by Jeff Oyler, Planning Manager with Community and Economic Development

Commissioner Kamalu noted that there is a picture of the four properties included in the agricultural protection area. [The image was shown during the public hearing and is filed with the resolution.] Commissioner Kamalu stated that she thinks it's very exciting to have agricultural protection areas.

Com. Elliott moved to approve. Com. Stevenson seconded. All present voted aye.

**BUSINESS/
ACTION**

Animal Care

#2023-113

**1. Partner Application with Bissell Pet Foundation to participate in adoption events and grant funding —
Presented by Animal Care Deputy Director Sydney Larrabee**

The application allows the County to apply for grants through Bissell and participate in Bissell's "Empty the Shelters" events. Through Bissell, Animal Care can get some compensation for the care provided to animals and allow the public to adopt them at a low cost. The agreement period is 03/01/2023 to 03/01/2024.

#2023-114

**2. Standard Service Provider Contract with VCA Lakeview Animal Hospital for veterinary services —
Presented by Animal Care Deputy Director Sydney Larrabee**

Animal Care has been working on this contract with VCA Lakeview, in Bountiful, since last October. It is state law that every pet has to leave the shelter spayed or neutered before adoption. Animal Care works very hard to find partners able to help in that effort, because there are thousands that need to be done every year. The agreement period is 02/28/2023 to 02/28/2024.

Com. Stevenson moved to approve items 1-2. Com. Elliott seconded. All present voted aye.

Auditor's Office

#2023-115

**3. Adoption of the execution of the amended and restated financing agreements relating to the County's Facility Revenue Bonds Series 2016A, Facility Revenue Bonds Series 2016B, and related matters —
Presented by Auditor Curtis Koch**

Auditor Curtis Koch presented an amendment to financial documents that were issued in 2016 on County Facility Revenue Bond Series A and Series B. These bonds were levied and are used by Janicki Industries. In 2021, it was announced that the LIBOR (London Interbank Offered Rate) would be terminated, and that interest rate index terminates on June 30 of this year. The bonds were tied to that interest rate index, so there needed to be adjustments and amendments to those documents. The Auditor explained that these bonds do not affect the County at all, but they are issued through the County with some tax exempt benefits, and therefore the documents have to be amended through the County's process. The County had bond counsel from Gilmore Bell for work and review of the documents.

Com. Elliott moved to approve. Com. Stevenson seconded. All present voted aye.

CJC

#2023-116

**4. Donation Agreement between Clearfield High School and Davis County Children's Justice Center —
Presented by Chief Deputy Civil Attorney Neal Geddes**

The donated funds will go toward helping the children and the families that utilize Davis County's Children's Justice Center. The receivable amount is \$82,034.35.

#2023-117

5. General Service Contract with Voice Product Services LLC to maintain the forensic video recording

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software and hardware — Presented by Chief Deputy Civil Attorney Neal Geddes

The contract renewal is for Voice Product Services LLC to maintain the forensic video recording software and hardware. The agreement period is 03/19/2023 to 03/19/2024. The payable amount is \$457.96.

#2023-118

6. Appendix D and DocuSign for the Contract for VidaNyx, which is designed for the Children's Advocacy Center and their Multidisciplinary Teams to share, store, and manage child forensic interviews — Presented by Chief Deputy Civil Attorney Neal Geddes

A request was made to accept Appendix D and DocuSign for a contract with VidaNyx, which helps with the management of child forensic interviews. The forensic interview products discussed in this meeting are utilized by the CJC team on a daily basis.

Commissioner Kamalu noted that she repeatedly received email requests from VidaNyx to sign something, but didn't because she didn't know what she was being asked to sign. When she understood what it was, she signed the document.

Commissioner Kamalu made a motion to approve Items 4 through 5 and to table Item 6 so it could be ratified at the next meeting.

Neal Geddes said that since it was indicated on the record that Commissioner Kamalu had already signed the document online, and it was on the agenda, it could be approved in the current meeting.

Com. Stevenson moved to approve items 4-6. Com. Elliott seconded. All present voted aye.

Commission

Cancellation of Commission Meetings

7. Cancellation of Regular Commission Meetings on the following dates: March 21, 2023, April 4, 2023, and May 2, 2023 — Presented by Commissioner Lorene Miner Kamalu

Commissioners sometimes have conferences to attend, or need to spend time with family, so it is not always possible to have a quorum for a regularly scheduled meeting. Meetings will be canceled on the following dates: March 21, 2023; April 4, 2023; and May 2, 2023.

Item pulled from agenda

8. Data migration to the new Davis County Treasurer's Office property tax collection and distribution computer system — Presented by Commissioner Bob J Stevenson

Commissioner Stevenson announced that Agenda Item 8 was being pulled off the agenda.

Com. Elliott moved to approve item 7. Com. Stevenson seconded. All present voted aye.

CED

Comment regarding the Public Hearing

CED Director Kent Andersen requested a moment to address a comment made by John Percival during the Public Hearing regarding the characterization that the County is trying to get rid of its property. The CED Director said he doesn't believe that is what was meant either from the city or from John. The characterization would be better that land use and development is appropriate in incorporated cities. The agricultural protection makes sense for land use in the unincorporated areas of the County.

#2023-119

9. Third Quarter Transportation Grant Interlocal Cooperation Agreement with Clinton City for the widening and reconstruction of 800 North between 500 West and 1000 West — Presented by Community and Economic Development Director Kent Andersen

The agreement period is 02/28/2023 to 02/28/2025. The payable amount is \$1,516,000.

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- #2023-120

10. Acknowledgment of the Utah Agency Disclosure with the Utah Department of Transportation and Tammy Evans on the acquisition of a tax sale parcel of land known as Tax ID 13-076-0070 for UDOT as part of the I-15 1800 North Interchange project — Presented by Community and Economic Development Director Kent Andersen

Kent Andersen explained that agenda items 10, 11, and 12 are connected and are part of the County's work with tax sale properties. The items all relate to 18 square feet of property going to the Utah Department of Transportation for improvements on the 1800 North interchange project. They are presented as separate items because the process requires individual signatures.
- #2023-120-A

11. Real Estate Purchase Contract with the Utah Department of Transportation for the sale of a tax sale parcel of land known as Tax ID No. 13-076-0070 to UDOT as part of the I-15 1800 North Interchange project — Presented by Community and Economic Development Director Kent Andersen

The receivable amount is \$250.
- #2023-120-B

12. Execution of a Quit Claim Deed with the Utah Department of Transportation conveying a tax sale parcel of land known as Tax ID No. 13-076-0070 to UDOT for the Right of Way of 1800 North as part of the I-15 1800 North Interchange project — Presented by Community and Economic Development Director Kent Andersen
- #2020-654A-9

13. Ratification of the Amendment to the Real Estate Purchase Contract for Land with IGOG L.L.C., a Utah limited liability company — Presented by Community and Economic Development Director Kent Andersen

This amendment is part of the ongoing purchase agreement for the property just north of the Conference Center. It is hoped that the next amendment will be the final amendment.
- Tabled

14. Agreement with UTA to provide ski bus service from Layton FrontRunner Station to Snowbasin Ski Resort for the 2022-2023 ski season — Presented by Community and Economic Development Director Kent Andersen

Item 14 was tabled.

Com. Elliott moved to approve items 9-13 and table item 14. Com. Stevenson seconded. All present voted aye.
- Facilities

#2023-121

15. Standard Design Professional Services Contract with WHW Engineering, LLC for the replacement of the pump and boiler system at the Layton Branch Library — Presented by Facilities Director Lane Rose

The contract is for mechanical engineering services for the third phase of HVAC replacement at the Layton Branch Library. The agreement period is 02/21/2023 to 12/31/2023. The payable amount is up to \$12,125.

#2020-160-A

16. Amendment to the Standard Professional Services Contract with Hales Engineering, LLC for additional services requested by Farmington City upon review of the traffic impact report — Presented by Facilities Director Lane Rose

The amendment to an existing contract with Hales Engineering LLC is for additional services related to the County's Event Center project. Farmington City had a third party review of the County's traffic impact study and needed some additional work done. The additional amount is \$1,650.

The agreement period is 02/28/2023 to 05/31/2023. The payable amount is \$10,050.

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Com. Stevenson moved to approve items 15-16. Com. Elliott seconded. All present voted aye.

Information Systems

#1999-12-G

17. Amendment with the Department of Government Operations, Division of Technology Services changing the existing arrangement for services for State internet connection — Presented by Information Systems Director Mark Langston

The amendment represents an increase of \$500. Davis County is moving its internet connection to the State from 300 MB to a gigabit connection. The agreement period begins 02/01/2023. The payable amount is monthly \$1,748.

Com. Elliott moved to approve. Com. Stevenson seconded. All present voted aye.

Public Works

#2023-122

18. SF 299 with the U.S. Department of the Interior, Bureau of Reclamation for the development of Rock Loft Estates, LLC — Presented by Public Works Director Adam Wright

Adam Wright explained that SF299s are occasionally seen by Commissioners for infrastructures being built by different developers on Bureau easements. A city street is going to be put in over Bear Creek and the culvert that's underneath it will be the County's responsibility. This agreement will give the County the ability to enter that easement and be able to maintain that culvert just south of the Rock Loft. The agreement begins 02/28/2023 and continues forever.

#2023-123

19. Grant of Locked Gate Access with the Utah Department of Transportation for the right of access to Haight Creek — Presented by Public Works Director Adam Wright

With Shepard Lane being rebuilt, there's an opportunity for the County to be able to have better access to Haight Creek between the highway and the railroad. There will be a discharge going into it, so that gave the County the ability to ask for access to that location where we haven't had access before.

The agreement begins 02/28/2023 and continues forever. The payable amount is \$10.

Com. Elliott moved to approve items 18-19. Com. Stevenson seconded. All present voted aye.

Discussion of snowpack

Commissioner Elliott asked the Public Works Director about the snow in the mountains and whether Davis County will be able to handle it.

Adam Wright said the snowpack is a little heavy for this time of year. The County can handle the amount of snow currently there, as long as it doesn't get too hot immediately. Looking at previous graphs of the Snotel [snowpack report], the County has handled much more than is up there, but the long-term forecast is for more snow. It's being watched closely.

There are 22 flood channels that Davis County has the responsibility to maintain. There are ongoing discussions about 16 with properties on them, where the County is actively working to prevent fire danger.

Sheriff's Office

#2023-124 through 2023-129

20. Release of Liability, Waiver of Rights, and Participation Agreement for the Secure Continuous Remote Alcohol Monitoring (SCRAM) program — Presented by Chief Deputy Andy Oblad

- 2023-124 • Participant 1
2023-125 • Participant 2
2023-126 • Participant 3
- 2023-127 • Participant 4
2023-128 • Participant 5
2023-129 • Participant 6

Each agreement begins upon final signature and runs until the participant is no longer under cohort order to participate in the program. The receivable amount is varied based on tests used and monitoring fees.

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Com. Kamalu moved to approve item 20. Com. Stevenson seconded. All present voted aye.

Commissioner Elliott moved to recess to the Board of Equalization. Commissioner Stevenson seconded the motion. All voted Aye.

BOARD OF
EQUALIZATION

Property Tax
Register

Property Tax Register matters were presented by Curtis Koch, Davis County Auditor, as follows:

Auditor Adjustments

Corrections

- Ten Veteran Exemption Tax Abatements for the year 2022

Com. Elliott moved to approve. Com. Stevenson seconded. All present voted aye.

Commissioner Elliott moved to reconvene the Commission Meeting. Commissioner Stevenson seconded the motion. All voted Aye.

COMMISSION
COMMENTS

Commissioner Kamalu invited comments from the dais.

Auditor

Auditor Curtis Koch described Clearfield High’s fundraising achievement as incredible.

“I happen to know, from firsthand experience, they reconciled over \$1,000 in pennies,” he said. “It was incredible what those folks did.”

Clerk

Clerk Brian McKenzie explained that there is a plan that has some documentation requirements related to the resolution to approve of the agricultural protection area. After speaking with the CED Director, the Clerk made it clear that some of the additional notes and staff reports that complete the record will be attached to the finalized resolution for record-keeping purposes.

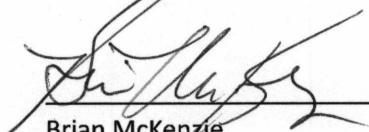
Referring to the Clearfield High presentation, Brian McKenzie said one of the comments the students made should be taken to heart regardless of money, resources, or abilities.

“I think it was Eva that said, ‘As a community we can make a difference,’ and I think that’s so important for us to remember — that each of us, within our own sphere of influence, are a member of a community, and as a community we can make a difference.”

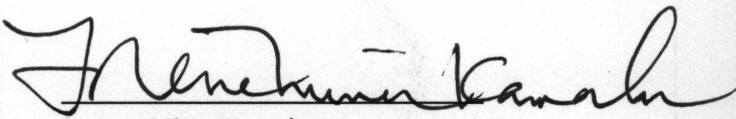
MEETING
ADJOURNED

Commission meeting was adjourned at 10:58 a.m.

Minutes prepared by:
Becky R. Wright
Deputy Clerk


Brian McKenzie
Davis County Clerk

Minutes approved on: 3/28/2023


Lorene Miner Kamalu
Commission Chair